



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: March 27, 2007
EXPIRATION DATE: April 26, 2007
REFERENCE NUMBER: POA-1993-458-V
WATERWAY: Anton Larsen Bay

PARTIAL AFTER-THE-FACT PUBLIC NOTICE

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

APPLICANT: Kodiak Island Borough, 710 Mill Bay Road, Kodiak, Alaska 99615.

AGENT: Mr. Justin Marcum, HDR Alaska, Inc., 2525 C Street, Suite 305, Anchorage, Alaska 99503-2632; (907) 644-2000.

LOCATION: The proposed project is located within Section 11, T. 27 S., R. 12 W., Seward Meridian; Latitude 57.858° N., Longitude 152.625° W.; at the Anton Larsen Bay public access site, located approximately 20 miles northwest of Kodiak, Alaska.

PURPOSE: The applicant's stated purpose is to improve the existing boat launching facility at the Anton Larsen Bay public access site through construction of a new boat launching ramp and widening of the public roadway. The roadway expansion is necessary to provide the proper turning radius and ease the transition from the boat ramp to the existing parking area.

PROPOSED WORK: The applicant proposes to improve the existing boat launching facility at the Anton Larsen Bay public access site.

Boat Launch Ramp: Remove a portion of the existing boat ramp and construct a new boat launch ramp (the portion of the existing ramp that would interfere with the location of the new ramp would be removed; the remaining portion of the ramp would be left in place). The new 16-foot wide by 135-foot long ramp would be located adjacent to the existing ramp location and would be aligned straight and extend further into the bay than the current ramp to allow launching at lower tides. The new ramp would have a 13 percent slope, compared to the 10% slope of the current ramp. A total of 60 cubic yards of concrete would be used for the new ramp surface.

Roadway Expansion: A total of 650 cubic yards of fill material would be placed to expand the existing roadway to connect the boat ramp to the existing parking area. The fill area would measure approximately 25-feet wide by 100-feet long. The side slope of the filled area would be as steep as is prudent (1.5:1) to minimize encroachment into the bay. The side slope would be covered with 450 cubic yards riprap to stabilize the embankment and the top surface of the fill area would be covered with 80 cubic yards of select D-1 gravel to ensure a well-settled surface.

Parking Area: The applicant requests authorization to retain fill material which was placed without authorization. The work consisted of approximately 2,000 cubic yards of fill material which was placed concurrent with construction of the authorized parking area expansion project. The material was placed on the northern end of the parking area in approximately 0.19 acres of tidelands to construct the 50-foot wide by 150-foot long pad.

ADDITIONAL INFORMATION: Several features make the existing facility's current configuration difficult to use and compromise the safety of boaters using the facility and non-boaters traveling on Anton Larsen Bay Road. The existing Anton Larsen Bay boat launch consists of a 90-foot concrete plank ramp with a one-boat trailer/vehicle staging area joined directly to the road. The design of the existing ramp makes the current facility inconvenient. The ramp extends to approximately 2-feet above mean lower low water (MLLW, 0.0 feet elevation) and therefore requires tides of approximately 3-feet above MLLW for boat launching. The tidal stage requirement makes the existing ramp unusable approximately 50 percent of the time. Limited ramp use is compounded by the bend at the end of the ramp, which requires drivers turn near the end of the ramp making launching challenging especially at higher tides when the bend is not visible.

The fill material would consist of clean material free of fines and would be contractor-supplied gravel from an existing private or public material site. Materials removed from that site that are not salvageable by the contractor would be disposed of in the landfill. All on-land work would be done within the Alaska Department of Transportation and Public Facilities (ADOT&PF) right of way (ROW). All in-water work would be done within tideland tracts leased by KIB and ADF&G.

MITIGATION PROJECT: The applicant has proposed to replace an existing 48-inch diameter culvert with three 30-inch diameter culverts located on the south side of the intersection of South Russian Creek Road and Panamaroff Creek Drive. The Panamaroff Creek carries a large bed load and during large flow events the existing 48-inch culvert can be filled to capacity. These events cause severe damage to the existing road and prevent adult Coho salmon from moving up stream to spawn. The replacement will increase the hydraulic capacity and improve fish passage. The positioning of the three new culverts would allow the river to flow through two of them during average flows, and with the third culvert installed above the two lower culverts, it would become operational in times of high water.

MITIGATION MEASURES: The proposed site for the new boat ramp at the Anton Larsen Bay Facility was selected because it is a previously disturbed area and choosing this site avoids pristine eelgrass beds, herring spawning areas, clam and mussel subsistence areas, and a bird rookery.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

Preliminarily, the described activity may affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected

Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Serena Sweet at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at serena.e.sweet@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

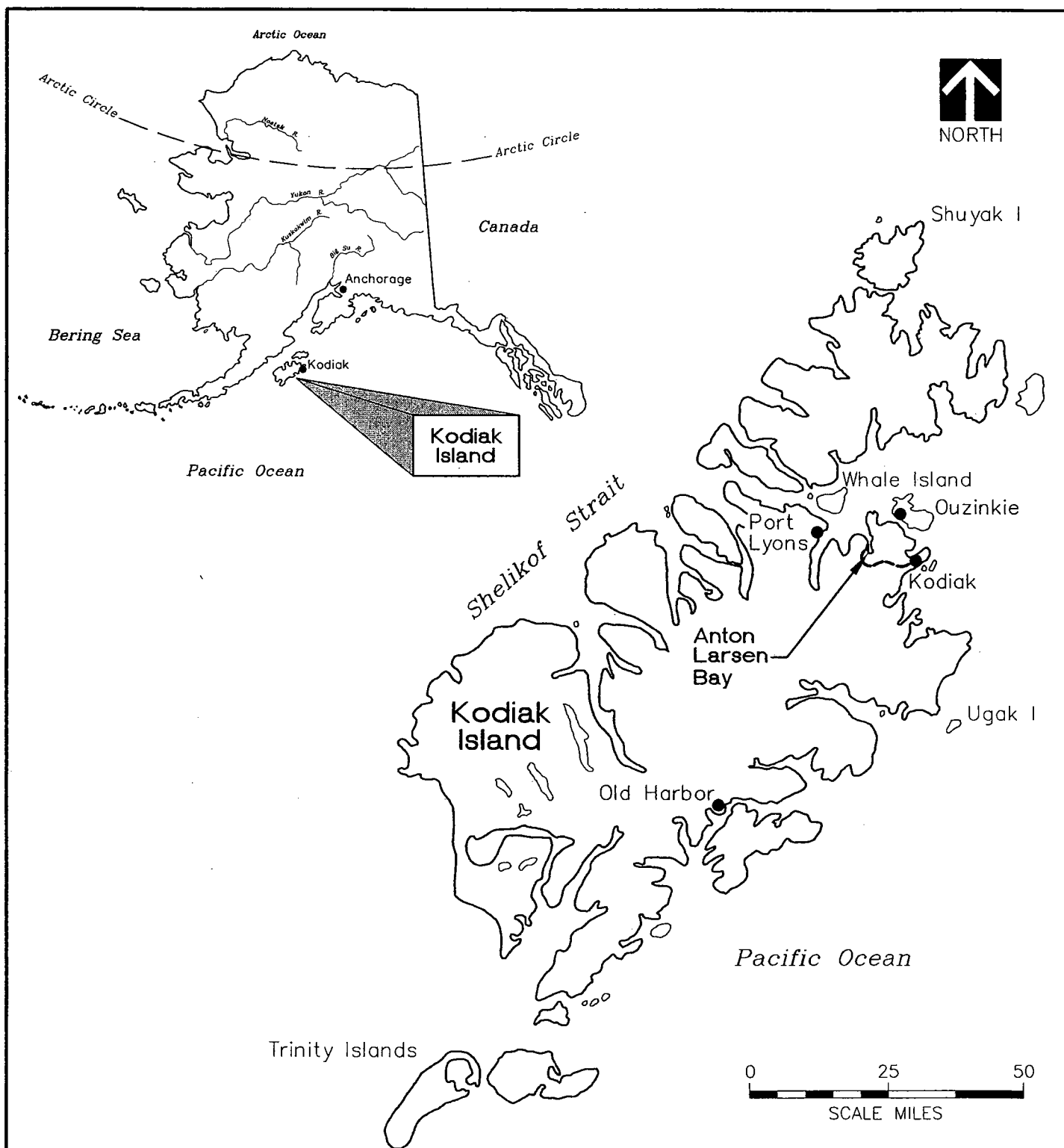
(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures



**PURPOSE
PROVIDE BOATING ACCESS**

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

1. OUZINKIE NATIVE CORPORATION
 2. ADOT&PF RIGHT-OF-WAY
 3. ALASKA DEPT. OF NATURAL RESOURCES
- Location: T. 25N, R. 21W,
Section 11, S.M.

**PROJECT VICINITY
AS SHOWN**

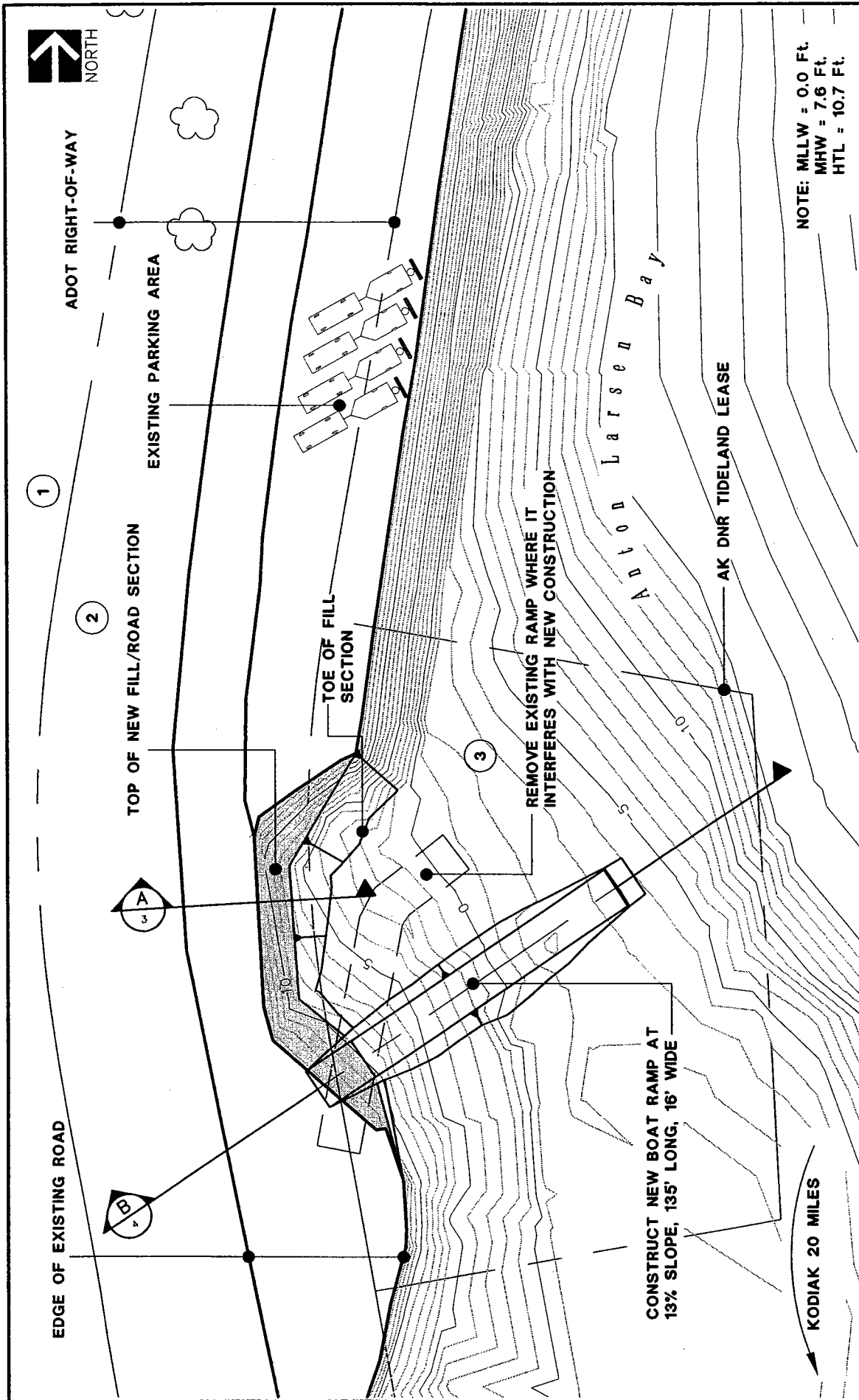
APPLICATION BY:
BUD CASSIDY
KODIAK ISLAND BOROUGH
710 MILL BAY ROAD
KODIAK, ALASKA
99615

**ANTON LARSEN BAY
PUBLIC ACCESS
IMPROVEMENT PROJECT**

IN: ANTON LARSEN BAY
AT: KODIAK, ALASKA
APPLICATION BY: BUD CASSIDY, KIB

SHEET 1 OF 5

2-16-07



NOTE: MLLW = 0.0 Ft.
MHW = 7.6 Ft.
HTL = 10.7 Ft.

PURPOSE
PROVIDE BOATING ACCESS

DATUM: MLLW
ADJACENT PROPERTY OWNERS:
1. OUZINKIE NATIVE CORPORATION
2. ADOT&PF RIGHT-OF-WAY
3. ALASKA DEPT. OF NATURAL RESOURCES
Location: T. 25N, R. 21W,
Section 11, S.M.

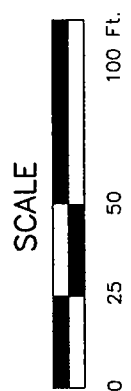
PLAN VIEW
AS SHOWN

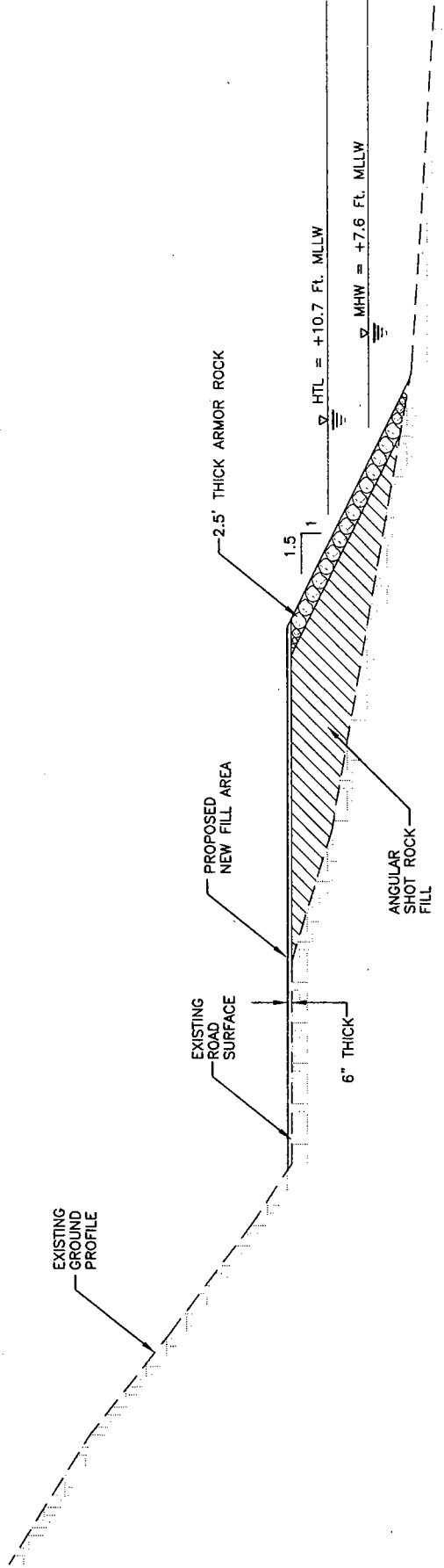
APPLICATION BY:
BUD CASSIDY
KODIAK ISLAND BOROUGH
710 MILL BAY ROAD
KODIAK, ALASKA
99615

**ANTON LARSEN BAY
PUBLIC ACCESS
IMPROVEMENT PROJECT**

IN: ANTON LARSEN BAY
AT: KODIAK, ALASKA
APPLICATION BY: BUD CASSIDY, KIB

SHEET 2 OF 5





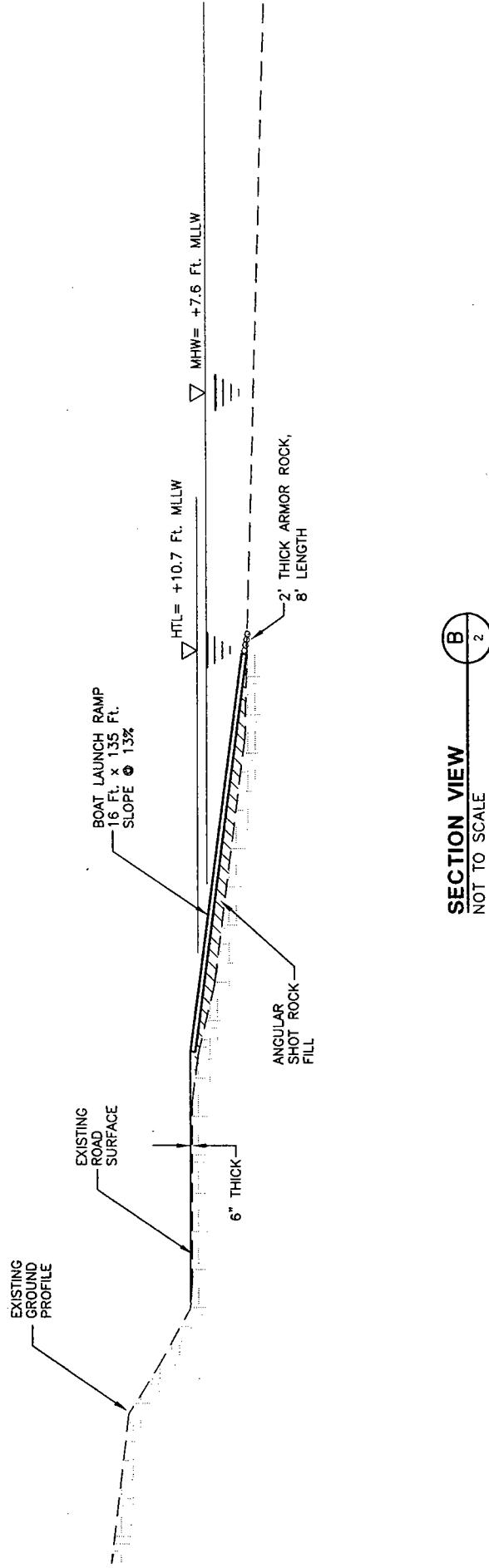
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SECTION VIEW
NOT TO SCALE

PURPOSE
PROVIDE BOATING ACCESS
DATUM: MLLW
ADJACENT PROPERTY OWNERS:
1. OUZINKIE NATIVE CORPORATION
2. ADOT&PF RIGHT-OF-WAY
3. ALASKA DEPT. OF NATURAL RESOURCES
Location: T. 25N, R. 21W,
Section 11, S.M.

FILL SECTION
NOT TO SCALE
APPLICATION BY:
BUD CASSIDY
KODIAK ISLAND BOROUGH
710 MILL BAY ROAD
KODIAK, ALASKA
99615

**ANTON LARSEN BAY
PUBLIC ACCESS
IMPROVEMENT PROJECT**
IN: ANTON LARSEN BAY
AT: KODIAK, ALASKA
APPLICATION BY: BUD CASSIDY, KIB
SHEET 3 OF 5
2-16-07



SECTION VIEW
NOT TO SCALE

PURPOSE
PROVIDE BOATING ACCESS

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

1. OUZINKIE NATIVE CORPORATION
2. ADOT&PF RIGHT-OF-WAY
3. ALASKA DEPT. OF NATURAL RESOURCES

Location: T. 25N, R. 21W,
Section 11, S.M.

RAMP SECTION
NOT TO SCALE

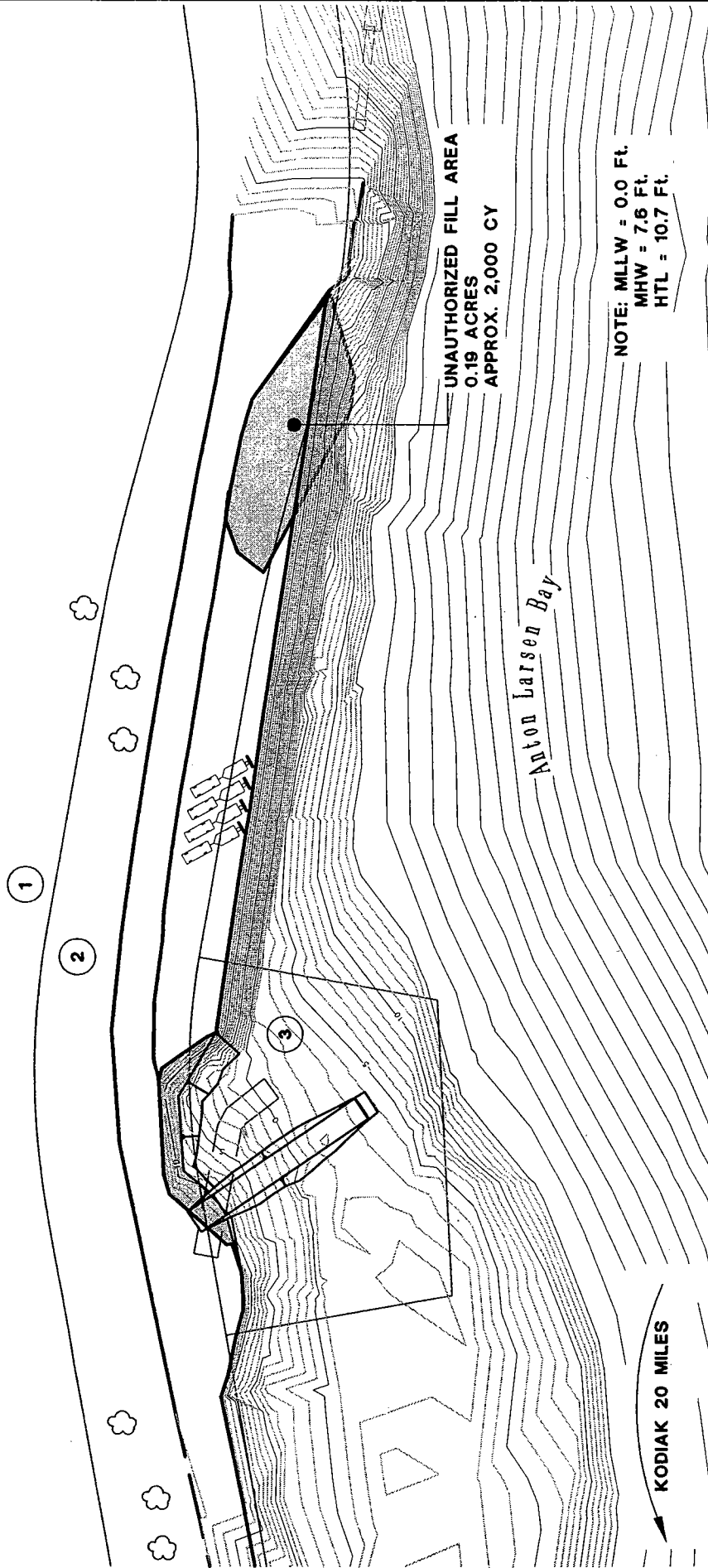
APPLICATION BY:

CHRIS LYNCH
KODIAK ISLAND BOROUGH
710 MILL BAY ROAD
KODIAK, ALASKA
99615

**ANTON LARSEN BAY
PUBLIC ACCESS
IMPROVEMENT PROJECT**

IN: ANTON LARSEN BAY
AT: KODIAK, ALASKA
APPLICATION BY: BUD CASSIDY, KIB

SHEET 4 OF 5 2-16-07



PURPOSE
PROVIDE BOATING ACCESS

DATUM: MLLW
ADJACENT PROPERTY OWNERS:
1. OUZINKIE NATIVE CORPORATION
2. ADOT&PF RIGHT-OF-WAY
3. ALASKA DEPT. OF NATURAL RESOURCES
Location: T. 25N, R. 21W,
Section 11, S.M.

UNAUTHORIZED FILL
AS SHOWN

APPLICATION BY:
BUD CASSIDY
KODIAK ISLAND BOROUGH
710 MILL BAY ROAD
KODIAK, ALASKA
99615

ANTON LARSEN BAY
PUBLIC ACCESS
IMPROVEMENT PROJECT

IN: ANTON LARSEN BAY
AT: KODIAK, ALASKA
APPLICATION BY: BUD CASSIDY, KIB

SHEET 5 OF 5

2-16-07

Anton Larsen Bay Public Access Improvement Project

Project Overview: The Kodiak Island Borough (KIB), in association with the Alaska Department of Fish and Game (ADF&G) Division of Sport Fish, initiated a project to assess and improve the recreational boating access at the site of an existing boat ramp in Anton Larsen Bay. The project is funded through ADF&G by a sport fish program of the U.S. Fish and Wildlife Service. An environmental assessment (EA) was completed in September 2000, and after reviewing several alternatives it was decided to construct a new ramp and parking spaces (See the Anton Larsen Bay Public Access Improvement Project Environmental Assessment, September 2000, for more details). The parking spaces have been constructed under a previous project.

Project Purpose and Need: The project is located near the head of Anton Larsen Bay, approximately 20 road miles northwest of the community of Kodiak. Currently sport fishermen, hunters, and individuals traveling to adjacent island communities use the boat ramp. This boat launch is one of only three hard-surfaced public boat launches near the community of Kodiak. Several features make the existing facility's current configuration difficult to use, and compromise the safety of boaters using the facility and non-boaters traveling on Anton Larsen Bay Road. The existing Anton Larsen Bay boat launch consists of a 90-foot concrete plank ramp with a one-boat trailer/vehicle staging area joined directly to the road.

The design of the existing ramp makes the current facility inconvenient. The ramp extends to approximately 2 feet above mean lower low water (MLLW) and therefore requires tides of approximately 3 feet above MLLW for boat launching. The requirement of 3 feet of tide makes the existing ramp useable only approximately half the time. Limited ramp use is compounded by the bend at the end of the ramp, which makes launching a boat difficult. As drivers back their trailers down the ramp they must cut a turn near the end of the ramp, making launching challenging especially at higher tides when the bend is not visible.

Project Description: The KIB is proposing to remove the existing boat ramp and construct a new boat launch ramp. Materials removed from that site that are not salvageable by the contractor will be disposed of in the landfill. The new ramp will be located adjacent to the existing ramp. The new 135-foot-long ramp will be straight and extend further into the bay than the current ramp to allow launching at lower tides. The new ramp will have a 13% slope, compared to the 10% slope of the current ramp. A fill area will be provided to connect the boat ramp to the existing parking area. This fill area is required to allow the proper turning radius and ease the transition from the proposed ramp into the existing parking area. This will be constructed on fill placed in the bay between the new ramp and the existing parking area and will be approximately 25 feet wide by 100 feet long. The side slope of the filled area will be as steep as is prudent (1.5:1) to minimize encroachment into the bay. This side slope will be covered with 2.5 feet of riprap to stabilize the embankment. This fill area will be covered with approximately 6 inches of select gravel (D-1), to ensure a well-settled surface. The material will be contractor-supplied select gravel from an existing private or public material site. All on-land work will be done within the Alaska Department

of Transportation and Public Facilities (ADOT&PF) right of way (ROW). All in-water work will be done within tideland tracts leased by KIB and ADF&G.

Project Timeline: The work is planned to start in Spring 2007 and should be completed by Summer 2007.

Avoidance and Minimization Measures:

- The proposed site was selected in part because it is a previously disturbed area. Choosing this site avoids pristine eelgrass beds, a herring spawning area, a clam and mussel subsistence area, and a bird rookery at the two alternatives to the north of the existing site.
- Work will be done and fill will be placed in the previously disturbed area adjacent to the existing ramp and will avoid an eelgrass bed south of the existing ramp site.
- Clean fill will be used to ensure that silt will not be discharged into the bay.
- The final slope will be covered with 2.5 feet of riprap to stabilize the embankment and create a substrate for mussels and barnacles.
- To minimize erosion and sedimentation during construction, the contractor will be required to follow best management practices as stipulated by the Alaska Department of Environmental Conservation and the ADOT&PF.

Panamaroff Creek Culvert Replacement Draft Narrative

Narrative

Located on the south side of the intersection of South Russian Creek Road and Panamaroff Creek Drive, the Panamaroff Creek carries a large bed load. During large flow events the existing 48" culvert that carries this stream below Panamaroff Creek Drive can be filled to capacity. In these episodes, the creek causes severe damage to the exiting road, removing aggregate. When culverts are plugged, it prevents adult Coho salmon from moving up stream to spawn. This event has been documented well by former ADF&G biologist, Wayne Dolezal.

The project would remove the existing single 48" x 50' culvert and install three 30" culverts. The positioning of these three culverts would allow the river to flow through two of them during average flows, and with the third culvert installed above the two lower culverts, it would become operational in times of high water.

Scope of Work

- Culvert removal and installation (see proposal submitted by T.C. Enterprises – the present service area contractor, under contract with the board to perform repairs and maintenance to roads within the service area boundary)
- Permit acquisition and project management – Kodiak Construction Services (personal conversations with Chris Lynch, Owner states that her estimated services would be at a minimum \$2,500).

Conclusion

- These are estimates only and subject to changes in the State of Alaska Wage and Hour law (wage rate increase in April)
- Subject to KIB approval.

**CULVERT REPLACEMENT MITIGATION PROJECT
PANAMAROFF CREEK, WOMENS BAY, KODIAK, ALASKA
ANADROMOUS FISH STREAM CATELOG # 259-10026-2035
NW1/4 SEC 1, T29S R21 W SM**

The Kodiak Island Borough is proposing this project as mitigation for placing more fill than was authorized when creating the parking area of the Anton Larsen Project. The Borough was cited for this action.

This mitigation project removes the existing 48" culvert and replaces it with 3- 30" culverts in an effort to prevent the flooding of the road that occurs during flood events. Extreme flooding has caused the road to be damaged as the present culvert is not sufficient to handle the bed load and large quantity of flood water produced during these rain storm events.

Two 30 " culverts will be installed at stream bed level with a third 30" culvert installed just above and between the two stream level culverts. This higher culvert will become functional only during periods of high water.

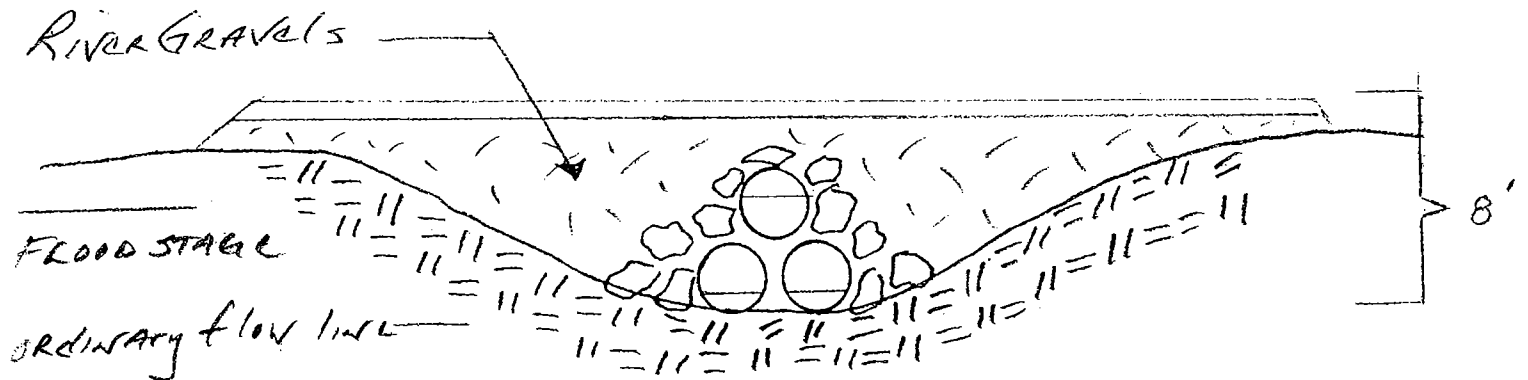
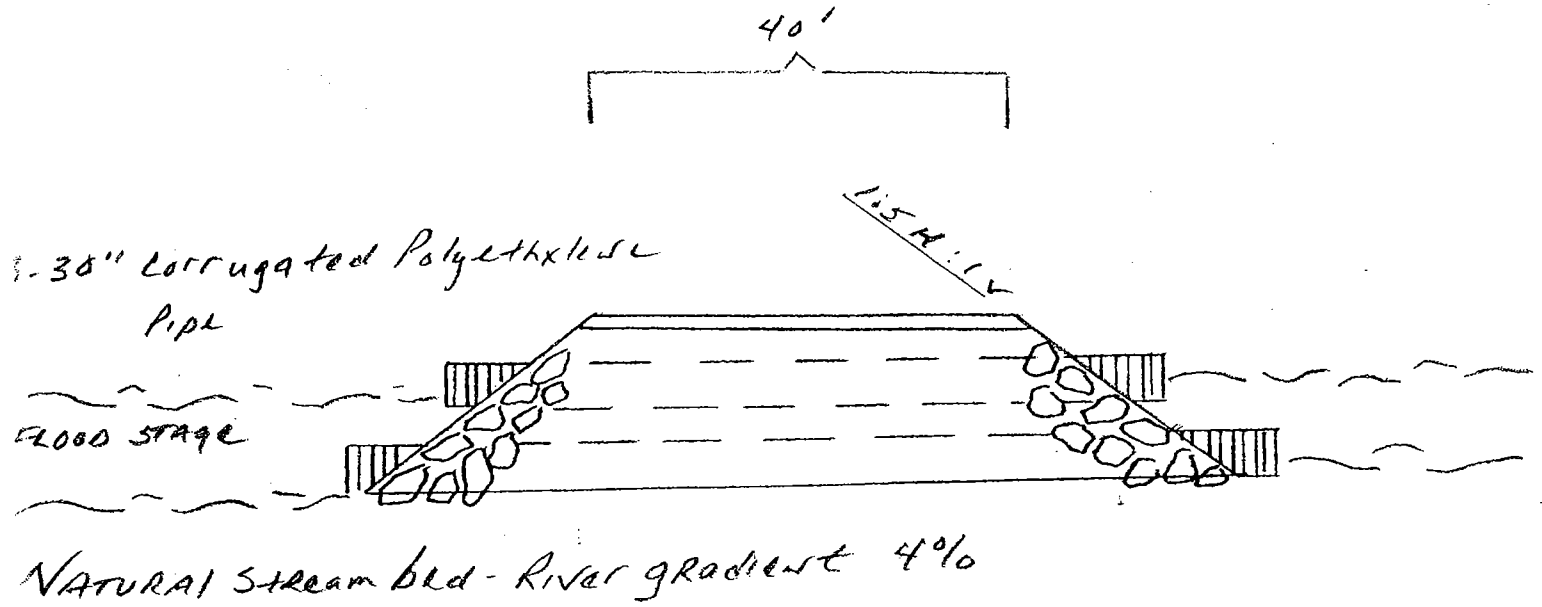
Attached is a graphic of how the culverts are to be installed.

Culvert Mitigation Replacement

PANAMAROFF CREEK

Anadromous Stream # 259-10626-2035

NW 1/4 Sec 1, T29S, R21W 5M



MATERIAL

- Existing Rock (including armour rock) will be utilized
- 40 yd³ of D1 will be used for bedding + compacting culverts

SARAH PALIN, GOVERNOR

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1993-458-V, Anton Larsen Bay, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.

SARAH PALIN, GOVERNOR

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
550 WEST 7TH AVENUE, SUITE 705
ANCHORAGE, ALASKA 99501-3559
PHONE: (907) 269-7470/FAX: (907) 269-3981

NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-1993-458-V, Anton Larsen Bay, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us//Projects/projects.html>.